HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA

W.P.No.6926 of 1998

Dated 7th day of February, 2007

Between:

Padmanabhuni Reddy Kumar .. Petitioner

And

The District Collector,
Ranga Reddy District
and another .. Respondents

O R D E R:

This writ petition is filed seeking a mandamus to declare the action of the 1st respondent in issuing proceedings Roc.No.B2/1038/97, dated 9.11.1997 as illegal and arbitrary and consequently set aside the proceedings.

The brief facts of the case are that the petitioner is the absolute owner of an extent of 300 sq. yards of land in Plot No.146 of S.Nos.144 and 145 situated in Kuntloor village, Hayathnagar Mandal, Ranga Reddy District, by virtue of a registered sale deed dated 21.10.1991. Later, when the petitioner wanted to dispose of his land, he came to know that the 1st respondent issued the impugned proceedings directing the 2nd respondent not to entertain any transactions pertaining to the sale and purchase of plots, etc. in S.Nos.144 and 145.

Heard the learned counsel for the petitioner and the learned Government Pleader for Revenue.

It is to be noticed that Section 22(A) of the Registration Act, 1908 came into existence by virtue of A.P. Act 4 of 1999 with effect from 1.4.1999 and the said provision of law is analogous to Section 22(A) of Rajasthan Amendment Act 16 of 1976. When this provision of law came up for debate before the Supreme Court in **State of Rajasthan and Others Vs. Basant Mahata**[1] a Bench, having discussed the matter at length, held that Section 22(A) is unconstitutional and consequently the notifications issued thereunder are also liable to be quashed.

Having regard to the fact that the impugned proceedings, which were issued by the State Government (Collector) to the Sub-Registrar indicating not to register Document No.10669/91, are opposing public policy, this Court is of the view that the power vested in the State

Government is taken away in view of the said judgment.

Hence, this Writ Petition is allowed and the impugned proceedings Roc.No.B2/1038/97, dated 9.11.1997 issued by the 1st respondent are hereby set aside. No costs.

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07.02.2007

bcj

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[1] 2005(12) SCC 77